

UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY

SUSAN M. SMALLEY, ESQ.  
CHIEF U.S. PROBATION OFFICER

SUZANNE GOLDA-MARTINEZ  
SUPERVISING U.S. PROBATION OFFICER

ELISA MARTINEZ  
SUPERVISING U.S. PROBATION OFFICER

February 5, 2020

U.S. COURTHOUSE  
50 WALNUT ST.  
ROOM 1001  
NEWARK, NJ 07102  
(973) 645-6161  
FAX: (973) 645-2155

[www.njp.uscourts.gov](http://www.njp.uscourts.gov)

Honorable Anne E. Thompson  
Senior District Court Judge  
Clarkson S. Fisher Federal Building & Courthouse  
402 E. State Street  
Trenton, New Jersey 08608

**RE: Murphy, Antoinette**  
**DKT NO: 3:19CR00217-001**  
**RESPONSE TO OFFENDER'S MOTION**  
**FOR EARLY TERMINATION**

Dear Judge Thompson:

I am responding to the above-named offender's request for early termination of supervision. On September 6, 2017, the Honorable C. Darnell Jones II, United States District Judge in the Eastern District of Pennsylvania, sentenced the above-named offender to nine months imprisonment followed by three months house arrest. The term of house arrest was followed by three-years supervised release for Conspiracy to Commit Wire Fraud. Murphy was ordered to pay \$100 special assessment, \$102,237.40 in restitution in monthly payments of no less than \$100 and abide by the special conditions of financial disclosure and no new debt. Supervision began in the District of New Jersey on September 21, 2018. Due to continued residency in New Jersey, on March 29, 2019, Your Honor accepted jurisdiction of this case. On May 9, 2019, Your Honor signed a Probation Form 12B, Request for Modifying the Conditions to reduce monthly restitution payment schedule to \$25. On July 26, 2019, Murphy was transferred to the Low Intensity Caseload.

Since the commencement of supervision, Murphy has not complied with all the conditions of supervision; and has not satisfied all special conditions ordered by the Court. The offender recently moved in with her mother and resides in Princeton Junction, New Jersey. Murphy is currently unemployed. She submitted a lump sum payment of \$15,216.18 prior to commencing her sentence at the Bureau of Prisons but while on supervision from September 2018 through May 2019, she failed to make any payments towards restitution. Murphy has paid a total of \$275 towards her restitution, and since has an outstanding balance of \$71,605.04.

Title 18 United States Code, Sections 3564(c) and 3583(e)(1) permits the Court to terminate probation in misdemeanor cases at any time and terms of supervised release or probation in felony cases after the expiration of one year of supervision if satisfied that such action is warranted by the conduct of an offender and is in the interest of justice. Sections 3564(c) and 3583(e)(1) do not require "exceptional conduct" to justify early termination, and instead, direct district courts to consider the factors at 18 U.S.C § 3553(a).

Additionally, the *Guide*, Vol. 8, Ch. 3, Section 360.20(c) endorses six criteria to determine if an offender satisfies the minimal statutory factors to be considered for early termination, as follows:

(1) The person does not meet the criteria of a career drug offender or career criminal as described in 28 U.S.C. § 994(h) or has not committed a sex offense or engaged in terrorism; (2) The person presents no identified risk of harm to the public or victims; (3) The person is free from any court-reported violations over a 12-month period; (4) The person demonstrates the ability to lawfully self-manage beyond the period of supervision; (5) The person is in substantial compliance with all conditions of supervision; and (6) The person engages in appropriate prosocial activities and receives sufficient prosocial support to remain lawful well beyond the period of supervision.

In reviewing the offender's background and history of supervision, the offender does not meet the minimal criteria for early termination. Below is a check list for Your Honor's consideration and response. If Your Honor wishes to discuss this matter, please contact the undersigned officer at (973) 445-8519.

Respectfully submitted,


SUSAN M. SMALLEY, Chief  
U.S. Probation Officer

*Elisa Martinez/km*

By: Elisa Martinez  
Supervising U.S. Probation Officer

☐ Early termination granted. Supervision term to end immediately.

☒ Supervision to be continued.

  
United States District Judge

2/6/20  
Date